

Message Text

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ORIGIN NEA-10

INFO OCT-01 EA-10 IO-13 ISO-00 DLOS-09 ACDA-12 AGRE-00
AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 COME-00
DODE-00 DOTE-00 EB-08 EPA-01 SOE-02 DOE-11 FMC-01
TRSE-00 H-01 INR-10 INT-05 JUSE-00 L-03 NSAE-00
NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-05 SP-02
SS-15 USIA-06 /147 R

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TO AMEMBASSY DACCA
INFO AMCONSUL CALCUTTA
AMEMBASSY NEW DELHI
AMEMBASSY RANGOON
USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 043182

E.O. 11652: GDS

TAGS: PLOS, BG

SUBJECT: BANGLADESH BASE LINE PROPOSAL

REF: DACCA 0880

1. DURING AMBASSADOR SIDDIQI'S CALL ON DEPUTY ASSISTANT SECRETARY DUBS FEBRUARY 16, DUBS RAISED THE ISSUE OF BANGLADESH'S POSITION ON BASE LINE ESTABLISHMENT WHICH WAS PROPOSED TO THE LAW OF THE SEA CONFERENCE. WE ARE ALSO REPORTING ON OTHER ASPECTS OF THE MEETING IN TWO SEPTELS.

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2. DUBS NOTED THAT THE BANGLADESHIS HAD RAISED THE ISSUE OF THEIR BASE LINE PROPOSAL WITH OUR EMBASSY IN DACCA. WE CANNOT LEND SUPPORT TO BANGLADESH'S PROPOSAL. HOWEVER, IF BANGLADESH'S MAIN CONCERN IS WITH DELIMITATION OF THE ECONOMIC ZONE AND CONTINENTAL SHELF, WE THINK THIS WOULD BE BEST ADDRESSED IN ARTICLES WHICH ARE ALREADY INCLUDED IN THE INFORMAL NEGOTIATING TEXTS.

3. BACKGROUND: THE BANGLADESHIS HAVE BEEN PUSHING HARD TO WIN SUPPORT FOR THEIR BASE LINE PROPOSAL IN THE LAW OF THE SEA CONFERENCE. RECENTLY THEY TOLD EMBASSY (REFTEL) THAT THE PROPOSAL HAD BEEN ACCEPTED THROUGH THE "RULE OF SILENCE" WHICH FOLLOWED SUPPORTING STATEMENTS FROM 27

COUNTRIES. HOWEVER, THEY ARE UPSET THAT THE NEW VERSION OF THE NEGOTIATING TEXT PRODUCED LAST JULY DID NOT CONTAIN BANGLADESH'S REVISION. BDG OFFICIALS NOTED A PLAN TO DELIVER AN AIDE MEMOIRE ON THE SUBJECT, BUT APPARENTLY THEY HAVE NOT YET DONE SO.

4. WE UNDERSTAND THAT BANGLADESH'S REAL CONCERN IS WITH DELIMITING ITS ECONOMIC ZONE AND CONTINENTAL SHELF WITH INDIA AND BURMA. IN THIS REGARD, IT FEELS DISADVANTAGED IN HAVING A CONCAVE COAST, SO IT HAS PUT FORTH A PROPOSAL FOR ESTABLISHING A BASE LINE DRAWN FROM WATER DEPTH MEASUREMENT WHICH WOULD PROVIDE A MORE FAVORABLE BASIS FOR DELIMITATION. THE BDG ORIGINALLY PROPOSED FOLLOWING A 10 FATHOM CURVE WHICH WOULD HAVE SET ITS INNER BOUNDARY OF THE TERRITORIAL SEA FROM 30 TO 60 MILES OFF-SHORE. THIS WOULD, OF COURSE, GREATLY EXCEED THE NOW-GENERALLY AGREED 12-MILE TERRITORIAL LIMIT DRAWN FROM BASE LINES CLOSE TO THE COAST AND, HENCE, IS TOTALLY UNACCEPTABLE TO US.

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5. INASMUCH AS BANGLADESH'S CONCERNS RELATE TO AN UNSTABLE AND SHIFTING COASTLINE IN THE DELTA (AS THEY PUBLICLY STATE), WE THINK THAT THIS PROBLEM IS DIRECTLY ADDRESSED IN ARTICLE 7, PARAGRAPH 2, OF THE SINGLE NEGOTIATING TEXT. INASMUCH AS THE CONCERNS RELATE TO DELIMITING THE ECONOMIC ZONE AND CONTINENTAL SHELF (AND THE BANGLADESHIS HAVE TOLD US THEY DO) WE THINK THIS SHOULD BE DEALT WITH IN THE ARTICLES DEALING WITH DELIMITATION. IN FACT, THESE ARTICLES SHOULD BE ATTRACTIVE TO BANGLADESH AS THEY APPLY RULES OF EQUITY.

6. CONCERNING THE "RULE OF SILENCE", WE UNDERSTAND THIS TO APPLY ONLY TO THE PRESERVATION OF THE STATUS QUO. IN THE INSTANCE CITED BY THE BANGLADESHIS, IT IS OUR POSITION THAT THE VAST MAJORITY DID NOT SPEAK OUT AND SO SHOULD BE CONSIDERED AS OPPOSED TO BANGLADESH'S PROPOSAL. HAD WE FELT THAT THE "RULE OF SILENCE" WORKED IN ANY OTHER WAY, WE WOULD HAVE MADE OUR OPPOSITION KNOWN PUBLICLY.

7. AMBASSADOR RICHARDSON, ON AT LEAST TWO OCCASIONS, HAS FORCEFULLY TOLD BDG OFFICIALS THAT WE ARE STRONGLY OPPOSED

TO THEIR PROPOSAL, AND HIS STAFF HAS REPEATED THIS SEVERAL
TIMES. END OF BACKGROUND.

8. EMBASSY IS AUTHORIZED TO DRAW ON THE FOREGOING IN
DISCUSSIONS WITH BDG OFFICIALS. VANCE

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